

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Civil Action No.: 03-12560RGS

DAVID DEITZEL)
Plaintiff,)
vs.)
SPRINGFIELD TERMINAL)
RAILWAY COMPANY)
Defendant.)

JOINT MOTION TO EXTEND THE DEADLINE FOR THE DEFENDANT TO
DESIGNATE EXPERT WITNESSES

NOW COME the parties in the above entitled matter and respectfully request this Honorable Court extend the discovery deadline within which the defendant can designate its experts from July 15, 2005 to August 29, 2005 for the following reasons:

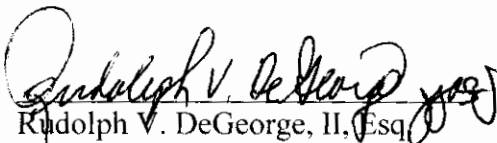
- On May 6, 2005, the Court entered an Order granting Plaintiff's Motion To Extend Discovery For The Designation Of Experts Pursuant To Federal Rule fo Civil Procedure 26(a)(2)(b) and extending the deadlines by Ninety (90) days.
- On May 17, 2005, Defendant forwarded a signed Medical Release Authorization to North Shore Neurosurgery & Spine which is where Plaintiff's medical expert, Dr. Paly practices.
- On or about June 14, 2005, Defendant's counsel received medical records in response to the above referenced authorization.
- On or about May 17, 2005, Defendant also forwarded a signed Medical Release Authorization to Ramsey Rehab requesting a complete copy of its records pertaining to physical therapy care and treatment received by the Plaintiff.
- On or about July 12, 2005, Defendant's counsel received records in response to the above referenced authorization.
- On or about May 17, 2005, Defendant also requested a signed medical release authorization from plaintiff's counsel in order for Defendant to obtain a complete copy of plaintiff's treatment records at HealthAlliance / U Mass Memorial Health Care since June 4, 2004. HealthAlliance requires it own specific authorization to be signed before it will release records.
- On or about June 27, 2005, Plaintiff's counsel returned the above referenced authorization signed by the Plaintiff.

Allowed. R.J. Harris DJ 7-25-05.

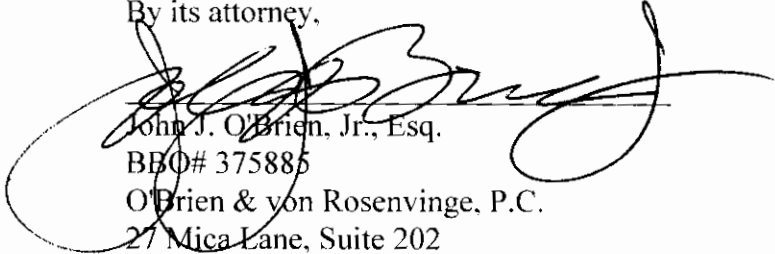
- On July 1, 2005, Defendant forwarded the above reference executed authorization to HealthAlliance / U Mass Memorial Health Care.
- On July 7, 2005, HealthAlliance / U Mass Memorial Health Care advised of the charges associated with the request. Payment has been forwarded and Defendant is awaiting receipt of the medical records.
- Upon receipt of these records, Defendant intends to analyze the contents of same and evaluate whether they are appropriate subject matter for review by a physician or other health care provider. Following that evaluation, Defendant will be able to make an informed determination as to whether or not it will identify an expert expected to testify at trial.
- On or about July 14, 2004, Defendant propounded interrogatories.
- On or about January 21, 2005, Plaintiff filed answers identifying a medical expert.
- On July 22, 2005, Plaintiff filed Supplemental Answers to Interrogatories which for the first time confirm that the Plaintiff does not intend to identify a liability expert.
- The parties have set forth the foregoing to show the Court that they have been actively pursuing discovery in an effort to meet the Court's previously assigned deadlines. The parties respectfully request that this motion be allowed so that a full and complete analysis and evaluation of the plaintiff's damage claim can be performed by the Defendant.

WHEREFORE, the parties hereby request that the Scheduling Order be amended for the purpose of extending the discovery deadline within which the defendant can designate its experts from July 15, 2005 to August 29, 2005.

The plaintiff,
David Deitzel,
By his attorney,


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DATED: 7/22/05

The defendant,
Springfield Terminal Railway Company
By its attorney,


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